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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,577	03/08/2002	Harri Lahti	4925-147PUS	2494
7590	06/29/2005			EXAMINER GHULAMALI, QUTBUDDIN
Michael C Stuart Cohen Pontani Lieberman & Pavane Suite 1210 551 Fifth Avenue New York, NY 10176			ART UNIT 2637	PAPER NUMBER
DATE MAILED: 06/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/937,577	LAHTI ET AL.
	Examiner	Art Unit
	Qutub Ghulamali	2637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 March 2002.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 and 5-8 is/are rejected.
- 7) Claim(s) 4, 12, 9-11 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Specification*

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc). Appropriate correction is required.

### **Abstract of the Disclosure**

2. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

### ***Claim Objections***

3. Claims 1, 3, 6 and 8 objected to because of the following informalities: In each of these claims proper use of colon and semicolons have not been observed. For example in claim 1, "characterized in that" must be followed by ":" Similarly, after each indented paragraph a ";" must be used to separate the claim subject matter. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claim 1 recites the limitation "the system" in line 8. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 2 recites the limitation "the multiplexer" in line 20. There is insufficient antecedent basis for this limitation in the claim.

8. In claims 1-12, the numbers in parenthesis are confusing, numbers such as (25), for example, refers to different components, it is not clear which reference component is correctly represented by this number.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 2 3, 5, 6, 7, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Baba et al (USP 5,528,198).

Regarding claims 1, 3, 5, 6, 7, 8, Baba discloses a method for changing parallel clock signals in a digital data transmission and reception, comprising:  
the changing of the clock signals is requested from the changeover device by a control signal, based on a signal indicating the unreliability of the locking of the clock signal reception said signal being received from a phase locked loop (figs. 2, 10; col. 1, lines 23-43; col. 6, lines 33-50);  
system waits until the clock signals are in the same, predetermined mode (col. 2, lines 41-47);  
system waits until the polarity of the signal phase difference is inverted in order to reach a situation where the signals would have just been either in the same phase or in a phase shift of 1800 (col. 2, lines 41-67; col. 3, lines 1-9; col. 6, lines 3-27); and

after a delay the clock signals are changed, in which case the changeover takes place at a moment which is as close as possible to a phase coincidence of the clock signals to be changed (col. 6, lines 27-57).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baba et al (USP 5,528,198) in view of Kaylani et al (USP 6,711,227).

Regarding claim 2, Baba discloses:

the changing of the clock signals is requested by a control signal from changeover device which control signal is based on a signal indicating an unreliability of the locking, said signal being received from a phase locked loop (figs. 2, 10; col. 1, lines 23-43; col. 6, lines 33-50); in the block that detects identical modes of the clock signals there is transmitted a detection signal, when both clock signals are in the same mode (col. 2, lines 41-46); there is formed by a phase shift sensitive coupling for the block that detects un-identical modes of the clock signals a signal for indicating a change in the polarity of the phase difference (col. 1, lines 35-42); there is transmitted in a delayed fashion a signal indicating the change in the polarity of the phase difference for the block checking that the criteria for realizing the changeover is fulfilled,

when it is detected that the clock signals are in different modes (col. 1, lines 53-57; col. 6, lines 36-44). Baba however is silent regarding “multiplexer is regulated to change the clock signals when at least the control signal the signal detecting identical modes of the clock signals and the signal indicating a change in the polarity of the phase difference to be delayed are active to the mode indicated by the control signal”. Kaylani, in a similar field of endeavor, discloses multiplexer is regulated to change the clock signals when at least the control signal the signal detecting identical modes of the clock signals and the signal indicating a change in the polarity of the phase difference to be delayed are active to the mode indicated by the control signal (col. 3, lines 40-52; col. 8, lines 65-67). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use multiplexer to multiplex the clock signals to the mode indicated by the control signal as taught by Kaylani in the system of Baba because it can generate an output signal from a selected one of the phase shifted signals responsive to the phase selection control.

*Allowable Subject Matter*

13. Claims 4, 12, 9-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, along with the claim objections set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

*Conclusion*

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**US Patents:**

Morita et al (USP 6754133) shows an SDRAM mode response to clock signal produced by clock generating circuit.

Fattouche et al (USP 582222) discloses Method and apparatus for multiple access between transceivers in wireless communications using OFDM spread spectrum

Tayebi et al (USP 6266385) shows Elastic store for wireless communication systems

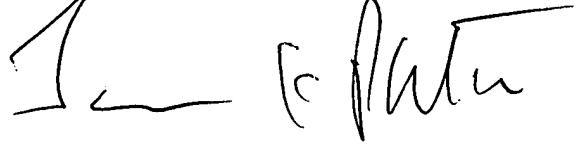
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qutub Ghulamali whose telephone number is (571) 272-3014.

The examiner can normally be reached on Monday-Friday from 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QG.  
June 24, 2005.



JAY K. PATEL  
SUPERVISORY PATENT EXAMINER